

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 744**

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**Introduced by Assembly Member Gordon**

February 21, 2013

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An act to amend ~~Section~~ *Sections 14501 and 14551* of, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL’S DIGEST

AB 744, as amended, Gordon. Recycling: beverage containers.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to establish reporting periods of every 6 months for redemption rates and recycling rates for specified types of beverage containers, to determine those rates for each reporting period, and to issue a report on those determinations. The act defines various terms for purposes of those provisions, including “redemption rate.”

This bill would delete the provisions that require the department to establish the reporting periods for the redemption rates and to determine the redemption rates for specified types of beverage containers. The bill also would delete the definition of the term “redemption ~~rate.~~” *rate*” and make conforming changes with regard to a statement of legislative intent.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 14501 of the Public Resources Code is*  
2     *amended to read:*

3     14501. The Legislature finds and declares as follows:

4     (a) Experience in this state and others demonstrates that financial  
5     incentives and convenient return systems ensure the efficient and  
6     large-scale recycling of beverage containers. Accordingly, it is the  
7     intent of the Legislature to encourage increased, and more  
8     convenient, beverage container redemption opportunities for all  
9     consumers. These redemption opportunities shall consist of dealer  
10    and other shopping center locations, independent and industry  
11    operated recycling centers, curbside programs, and other recycling  
12    systems that assure all consumers, in every region of the state, the  
13    opportunity to return beverage containers conveniently, efficiently,  
14    and economically.

15    (b) California grocery, beer, soft drink, container manufacturing,  
16    labor, agricultural, consumer, environmental, government, citizen,  
17    recreational, taxpayer, and recycling groups have joined together  
18    in calling for an innovative program to generate large-scale  
19    redemption and recycling of beverage containers.

20    (c) This division establishes a beverage container recycling goal  
21    of 80 percent.

22    (d) It is the intent of the Legislature to ensure that every  
23    container type proves its own recyclability.

24    (e) It is the intent of the Legislature to make redemption and  
25    recycling convenient to consumers, and the Legislature hereby  
26    urges cities and counties, when exercising their zoning authority,  
27    to act favorably on the siting of multimaterial recycling centers,  
28    reverse vending machines, mobile recycling units, or other types  
29    of recycling opportunities, as necessary for consumer convenience,  
30    and the overall success of litter abatement and beverage container  
31    recycling in the state.

32    (f) The purpose of this division is to create and maintain a  
33    marketplace where it is profitable to establish sufficient recycling  
34    centers and locations to provide consumers with convenient  
35    recycling opportunities through the establishment of minimum  
36    refund values and processing fees and, through the proper  
37    application of these elements, to enhance the profitability of

1 recycling centers, recycling locations, and other beverage container  
2 recycling programs.

3 (g) The responsibility to provide convenient, efficient, and  
4 economical redemption opportunities rests jointly with  
5 manufacturers, distributors, dealers, recyclers, processors, and the  
6 Department of ~~Conservation~~ *Resources Recycling and Recovery*.

7 (h) It is the intent of the Legislature, in enacting this division,  
8 that all empty beverage containers redeemed shall be recycled,  
9 and that the responsibilities and regulations of the department shall  
10 be determined and implemented in a manner that favors the  
11 recycling of redeemed containers, as opposed to their disposal.

12 (i) Nothing in this division shall be interpreted as affecting the  
13 current business practices of scrap dealers or recycling centers,  
14 except that, to the extent they function as a recycling center or  
15 processor, they shall do so in accordance with this division.

16 (j) The program established by this division will contribute  
17 significantly to the reduction of the beverage container component  
18 of litter in this state.

19 ~~SECTION 1.~~

20 *SEC. 2.* Section 14523.5 of the Public Resources Code is  
21 repealed.

22 ~~SEC. 2.~~

23 *SEC. 3.* Section 14551 of the Public Resources Code is  
24 amended to read:

25 14551. (a) The department shall establish reporting periods  
26 for the reporting of recycling rates. Each reporting period shall be  
27 six months. The department shall determine all of the following  
28 for each reporting period and shall issue a report on its  
29 determinations, within 130 days of the end of each reporting period:

30 (1) Sales of beverages in aluminum beverage containers, bimetal  
31 beverage containers, glass beverage containers, plastic beverage  
32 containers, and other beverage containers in this state, including  
33 refillable beverage containers.

34 (2) Returns for recycling, and returns not for recycling, of empty  
35 aluminum beverage containers, bimetal beverage containers, glass  
36 beverage containers, plastic beverage containers, and other  
37 beverage containers in this state, including refillable beverage  
38 containers returned to distributors pursuant to Section 14572.5.  
39 These numbers shall be calculated using the average current

1 weights of beverage containers, as determined and reported by the  
2 department.

3 (3) An aluminum beverage container recycling rate, the  
4 numerator of which shall be the number of empty aluminum  
5 beverage containers returned for recycling, including refillable  
6 aluminum beverage containers, and the denominator of which shall  
7 be the number of aluminum beverage containers sold in this state.

8 (4) A bimetal beverage container recycling rate, the numerator  
9 of which shall be the number of empty bimetal containers returned  
10 for recycling, including refillable bimetal beverage containers, and  
11 the denominator of which shall be the number of bimetal beverage  
12 containers sold in this state.

13 (5) A glass beverage container recycling rate, the numerator of  
14 which shall be the number of empty glass beverage containers  
15 returned for recycling, including refillable glass beverage  
16 containers, and the denominator of which shall be the number of  
17 glass beverage containers sold in this state.

18 (6) A plastic beverage container recycling rate, the numerator  
19 of which shall be the number of empty plastic beverage containers  
20 returned for recycling, including refillable plastic beverage  
21 containers, and the denominator of which shall be the number of  
22 plastic beverage containers sold in this state.

23 (7) A recycling rate for other beverage containers, the numerator  
24 of which shall be the number of empty beverage containers other  
25 than those containers specified in paragraphs (1) to (6), inclusive,  
26 returned for recycling, and the denominator of which shall be the  
27 number of beverage containers, other than those containers  
28 specified in paragraphs (1) to (6), inclusive, sold in this state.

29 (8) The department may define categories of other beverage  
30 containers, and report a recycling rate for each of those categories  
31 of other beverage containers.

32 (9) The volumes of materials collected from certified recycling  
33 centers, by city or county, as requested by the city or county, if  
34 the reporting is consistent with the procedures established pursuant  
35 to Section 14554 to protect proprietary information.

36 (b) The department shall determine the manner of collecting  
37 the information for the reports specified in subdivision (a),

- 1 including establishing procedures, to protect any proprietary
- 2 information concerning the sales and purchases.

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